

Exhibit J



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GREEN HAVEN CORRECTIONAL FACILITY
594 RT. 216
STORMVILLE, NY 12582

ANTHONY J. ANNUCCI
ACTING COMMISSIONER

THOMAS R. GRIFFIN
SUPERINTENDENT

MEMORANDUM

TO: Superintendent Griffin
FROM: L. Stanaway, IGP Supervisor
SUBJECT: Initial Superintendent Review of Grievance Coded 49 – Staff Misconduct

DATE: 4/21/15

Grievant's Name: BURNS DIN 97A6087 Loc B2 -201

GRIEVANCE NUMBER: GH 79436 -15

Attached is a grievance that has been coded as a 49 – Staff Misconduct. Please review within 24 hours, and note your findings:

Superintendent Initial: [Signature]

Date Reviewed: 4/23/15

X

I concur with the filing of this grievance as being coded 49.
An investigation by _____ can proceed.

_____ I DO NOT concur with the filing of this grievance as being coded 49.
The following action should be taken:

_____ This incident has been previously or is currently being investigated
By _____

Please return the attached to the IGP Supervisor.

Thank you.

cc: Diversity Management (Sent 5/12)

INMATE GRIEVANCE RESOLUTION COMMITTEE
ACKNOWLEDGEMENT OF RECEIPT

TO: BURNS DIN 97A6087 LOC. B2-201

FROM: IGRC OFFICE: Incident date: 4/16 Action Request: _____ Signature: _____

CODE 49 TITLE: DISCRIMINATION

This notice is to inform you that your grievance has been received by this office on

4/17. It has been given the log number GH 79436-15

Your log number, DIN, and cell location must be included on any inquiry made concerning your grievance.

Upon completion of an investigation into your grievance, you will be scheduled for an IGRC hearing. According to Directive #4040 if you do not appeal for the hearing without a legitimate reason, the IGRC will hold a hearing in absentia.

If your grievance is numbered as part of a consolidated issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Directive #4040 701.3(a) Inmate's Responsibility. An inmate is encouraged to resolve his complaints through the guidance and counselling unit, the program area directly affected, or other existing channels (informal or formal) prior to submitting a grievance. Although a facility may not impose pre-conditions for submission of a grievance, the failure of an inmate to attempt to resolve a problem on his own may result in the dismissal and closing of a grievance at an IGRC hearing.

*Notice of Return: Please resubmit with correction requested.

Please be advised that your grievance received on _____, is being returned to you via callout for one or more of the following reasons. You will be placed on a callout to meet with an IGRC Inmate Representative to make any necessary corrections.

☐ No action request, please indicate one. ☐ No incident date noted.

☐ No signature ☐ Non-grievable per Directive #4040

☐ Unable to understand handwriting.

☐ Other (as indicated below):

APR 21 2015

IGP Supervisor Stanaway ZS

code
49

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GRIEVANCE COMPLAINT

DISCRIMINATION

Grievance No.

79436-15

GREEN HAVEN CORRECTIONAL FACILITY

Date 4/21/15

Name BURNS

Din. No. 97A6087

Housing Unit B2-201

Program

AM

PM

(Please Print or Type - This form must be filled within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

S/A

Grievant

Signature

Grievance Clerk

Date:

Advisor Requested

☐ Yes

☐ No

Who:

Action requested by inmate:

This Grievance has been formally resolved as follows:

APR 21 2015

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

HISTORICAL GRVCS 000107

WHITE COPY - IGRC

YELLOW COPY - GRIEVANT

(49) DISCRIMINATION

Name: Mr. Trevor Burns
Facility: Green Haven

Number: 97-A-6087
Cell Location: B-2-201

Program: Porter
Date: April 16, 2015

GRIEVANCE & CIVIL SERVICE LAW COMPLAINT

#79436-15

Re: Formal complaint Under Civil Service Law § 75(1)(2)(3)

APR 21 2015

Description of Incident: That on April 16, 2015, between the times of 1:00 p.m. & 1:30 p.m., Mr. Trevor Burns ("Grievant") was proceeding to recreation from B-Block. Upon reaching the yard door Grievant was ordered to display his identification card by Correctional Officer Naggy ("Naggy"). Naggy began asserting an unprofessional, annoying, and threatening tone of voice without justification. Naggy derisively asked why Grievant was proceeding to recreation, and he's not entitled afternoon yard since he's a Porter. Grievant inquired as to Naggy's reason for rejecting him Federal law mandated daily hour exercise (See U.S. Const. Amends I, VII, XIV). Naggy immediately put on black gloves aggressively stepping towards Grievant stating: "What are you a smart ass ... dummy." Grievant inhaled a substantial smell of alcohol on his breath in violation of State of New York Department of Correctional Services, Employees' Manual ("Employees' Manual"), § 2.10. In an effort to exacerbate his opprobrious behavior, Naggy threatened Grievant with physical violence and, administered derogatory racial slurs, in violation of Employees' Manual §§ 2.1, 2.2, 2.8.; see also Corrections Law § 137.5. Naggy repulsively told Grievant that he b[e]at t[h]e shit out of dumb niggers that sue fellow officers. This violated Grievant's state and federal constitutional rights prohibiting retaliation for exercising First Amendment right to petition the government; Eighth & Fourteenth Amendment to be free from retaliation and cruel and unusual punishment. See Employees' Manual §§ 2.1, 2.2, 2.8, 2.12; Corrections Law § 137.5, 138.4. As Grievant was walking away, Naggy continued to threaten Grievant stating there is nothing I can do because his father was a lieutenant in corrections.

Signature: J. R.

Date: April 16, 2015

Action Requested: I request a full investigation including the following:

1 Naggly be given a Mental Evaluation and Examination, pursuant to Civil Service Rules and Regulations § 21.8(1), as a result of his unprofessional manner showing an aggressive threatening attitude and antisocial racist behavior, incapable of supervising offenders without abusing their federal and state constitutional rights.

2 That pursuant to Correctional Law §138.4, TITLE 7 Correctional Services § 701.10(6)(c)(2)(3), no reprisal of any kind shall be taken against Grievant, including but not limited to retaliation of any kind, such as planting weapons, physical and verbal abuse, falsifying misbehavior reports, tainting urine test, unlawful frisk and strip frisk, and planting drugs upon Grievant

Note: Grievant reasonably concludes that, due to his copious amount of litigations in federal courts, where he successfully prevailed in Trevor Burns v. C.O. Moore #14773, et. al, 99 Civ. 0966(LMM)(S.D.N.Y.); Trevor Burns v. Larry Zwillinger, 02 Civ. 5802(LMM)(S.D.N.Y.); Trevor Burns v. Sergeant Trombly, 9:05-Civ-1204(GLS)(N.D.N.Y.); Trevor Burns v. G.O. Martinez, et. al, 08 Civ. 4935(LAK)(S.D.N.Y.); Henderson v. Trevor Burns, Index No.: 833/2012 (Hon. Christina A. Spivot, J.S.C.)(Supreme Court, Dutchess County), Naggly is retaliating with racial slurs and threats of violence is an officer I successfully prevailed against worked in the block where he's assigned.

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[1]In the event Naggly engage in any criminal action following this complaint Grievant will immediately file an Accusatory Instrument, Felony Complaint, pursuant C.P.L. §1.20, with Supreme Court, Dutchess County.

code
49

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GRIEVANCE COMPLAINT

DISCRIMINATION

Grievance No.

79436-15

GREEN HAVEN CORRECTIONAL FACILITY

Date 4/21/15

Name BURNS Din. No. 97A6087 Housing Unit B2-201

Program AM PM

(Please Print or Type - This form must be filled within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

S/A

Grievant
Signature

Grievance Clerk

Date:

Advisor Requested

☐ Yes

☐ No

Who:

Action requested by inmate:

This Grievance has been formally resolved as follows:

APR 21 2015

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

HISTORICAL GRVCS 000111

WHITE COPY - IGRC

YELLOW COPY - GRIEVANT

(49) DISCRIMINATION

Name: Mr. Trevor Burns
Facility: Green Haven

Number: 97-A-6087
Cell Location: B-2-201

Program: Porter
Date: April 16, 2015

GRIEVANCE & CIVIL SERVICE LAW COMPLAINT

#79436-15

Re: Formal complaint Under Civil Service Law § 75(1)(2)(3)

APR 21 2015

Description of Incident: That on April 16, 2015, between the times of 1:00 p.m. & 1:30 p.m., Mr. Trevor Burns ("Grievant") was proceeding to recreation from B-Block. Upon reaching the yard door Grievant was ordered to display his identification card by Correctional Officer Naggy ("Naggy"). Naggy began asserting an unprofessional, annoying, and threatening tone of voice without justification. Naggy derisively asked why Grievant was proceeding to recreation, and he's not entitled afternoon yard since he's a Porter. Grievant inquired as to Naggy's reason for rejecting him federal law mandated daily hour exercise (See U.S. Const. Amendments I, VII, XIV). Naggy immediately put on black gloves aggressively stepping towards Grievant stating: "What are you a smart ass ... dummy." Grievant inhaled a substantial smell of alcohol on his breath in violation of State of New York Department of Correctional Services, Employees' Manual ("Employees' Manual"), § 2.10. In an effort to exacerbate his opprobrious behavior, Naggy threatened Grievant with physical violence and, administered derogatory racial slurs, in violation of Employees' Manual §§ 2.1, 2.2, 2.8.; see also Corrections Law § 137.5. Naggy repulsively told Grievant that he b[e]at t[h]e shit out of dumb niggers that sue fellow officers. This violated Grievant's state and federal constitutional rights prohibiting retaliation for exercising First Amendment right to petition the government; Eighth & Fourteenth Amendment to be free from retaliation and cruel and unusual punishment. See Employees' Manual §§ 2.1, 2.2, 2.8, 2.12; Corrections Law § 137.5, 138.4. As Grievant was walking away, Naggy continued to threaten Grievant stating there is nothing I can do because his father was a lieutenant in corrections.

Signature: J. B.

Date: April 16, 2015

Action Requested: I request a full investigation including the following:

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Note: Grievant reasonably concludes that, due to his copious amount of litigations in federal courts, where he successfully prevailed in Trevor Burns v. G.O. Moore #14773, et. al, 99 Civ. 0966(LMM)(S.D.N.Y.); Trevor Burns v. Larry Zwillinger, 02 Civ. 5802(LMM)(S.D.N.Y.); Trevor Burns v. Sergeant Trombly, 9:05-Civ-1204(CLS)(N.D.N.Y.); Trevor Burns v. G.O. Martinez, et. al, 08 Civ. 4835(LAK)(S.D.N.Y.); Henderson v. Trevor Burns, Index No.: 833/2012 (Hon. Christina A. Sproat, J.S.C.)(Supreme Court, Dutchess County), Naggy is retaliating with racial slurs and threats of violence is an officer I successfully prevailed against worked in the block where he's assigned.

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code
49

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GRIEVANCE COMPLAINT

DISCRIMINATION

Grievance No.

79436-15

GREEN HAVEN CORRECTIONAL FACILITY

Date 4/21/15

Name BURNS Din. No. 97A6027 Housing Unit B2-201

Program AM PM

(Please Print or Type - This form must be filled within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

S/A

Grievant Signature

Grievance Clerk Date:

Advisor Requested ☐ Yes ☐ No Who:

Action requested by inmate:

This Grievance has been formally resolved as follows:

APR 21 2015

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant signature Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

HISTORICAL GRVCS 000115

(49) DISCRIMINATION

Name: Mr. Trevor Burns
Facility: Green Haven

Number: 97-A-6087
Cell Location: B-2-201

Program: Porter
Date: April 16, 2015

GRIEVANCE & CIVIL SERVICE LAW COMPLAINT

#79436-15

Re: Formal complaint Under Civil Service Law § 75(1)(2)(3)

APR 21 2015

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Signature: J. B.

Date: April 16, 2015

Action Requested: I request a full investigation including the following:

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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GREEN HAVEN CORRECTIONAL FACILITY
594 RT. 216
STORMVILLE, NY 12582

ANTHONY J. ANNUCCI
ACTING COMMISSIONER

THOMAS R. GRIFFIN
SUPERINTENDENT

MEMORANDUM

TO: Superintendent Griffin
FROM: L. Stanaway, IGP Supervisor
SUBJECT: Initial Superintendent Revl w of Grievance Coded 49 -- Staff Misconduct

DATE: 4/21/15

Grievant's Name: Burns DIN 97A6087 Loc B2 -201

GRIEVANCE NUMBER: GH 79436 -15

Attached is a grievance that has been coded as a 49 -- Staff Misconduct. Please review within 24 hours, and note your findings:

Superintendent Initial: [Signature]

Date Reviewed: 4/23/15

X

I concur with the filing of this grievance as being coded 49.
An investigation by _____ can proceed.

I DO NOT concur with the filing of this grievance as being coded 49.
The following action should be taken:

This incident has been previously or is currently being investigated
By _____

Please return the attached to the IGP Supervisor.

Thank you.

INMATE GRIEVANCE RESOLUTION COMMITTEE

ACKNOWLEDGEMENT OF RECEIPT

TO: BURNS DIN 97A6087 LOC. B2-201FROM: IGRC OFFICE: Incident date: 4/16 Action Request: _____ Signature: _____CODE 49 TITLE: DISCRIMINATION

This notice is to inform you that your grievance has been received by this office on

4/17. It has been given the log number GH 79436-15

Your log number, DIN, and cell location must be included on any inquiry made concerning your grievance.

Upon completion of an investigation into your grievance, you will be scheduled for an IGRC hearing. According to Directive #4040 if you do not appeal for the hearing without a legitimate reason, the IGRC will hold a hearing in absentia.

If your grievance is numbered as part of a consolidated issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

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Please be advised that your grievance received on _____, is being returned to you via callout for one or more of the following reasons. You will be placed on a callout to meet with an IGRC Inmate Representative to make any necessary corrections.

____ No action request, please indicate one. ____ No incident date noted.

____ No signature ____ Non-grievable per Directive #4040

____ Unable to understand handwriting.

____ Other (as indicated below):

APR 21 2015

IGP Supervisor Stanaway ZJ

code
49

NEW YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
GRIEVANCE COMPLAINT

DISCRIMINATION

GREEN HAVEN CORRECTIONAL FACILITY

Grievance No.

79436-15

Date 4/21/15

Name BURNS Din. No. 97A6087 Housing Unit B2-201

Program AM PM

(Please Print or Type - This form must be filled within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

S/A

Grievant
Signature

Grievance Clerk

Date:

Advisor Requested

☐ Yes

☐ No

Who:

Action requested by inmate:

This Grievance has been formally resolved as follows:

APR 21 2015

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

(49) DISCRIMINATION

Name: Mr. Trevor Burns
Facility: Green Haven

Number: 97-A-6087
Cell Location: B-2-201

Program: Porter
Date: April 16, 2015

GRIEVANCE & CIVIL SERVICE LAW COMPLAINT

#79436-15

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Stanaway, Laura A (DOCCS)

From: Loren, Rebecca A (DOCCS)
Sent: Monday, May 18, 2015 8:36 AM
To: Stanaway, Laura A (DOCCS)
Subject: Burns 97A6087

Per our telephone conversation on 5/18/15. Burns complaint regarding CO Naggy was filed as GH-79436-15 and is pending a Superintendent's response.

Rebecca Loren

Inmate Grievance Program Coordinator

Department of Corrections and Community Supervision
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www.doccs.ny.gov



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: I.G.R.C. Supervisor

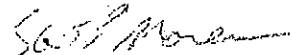
From: Sgt. P. Moreau

Subject: G.H. 79436-1⁵

Date: 5/10/15

I am writing to you in reference to G.H. 79436-1⁵ Inmate Burns was interviewed by me in the counseling area in building 2 at 1:00 P.M. on 5/9/15. Inmate Burns stated to me that the grievance is exactly what happened. There were no names given to me for possible witness interview. Officer Nagy denies all allegations and his to From is enclosed. Burns is a porter on B block and was allegedly trying to go to the yard in the middle of his assigned work module.

Respectfully Submitted,


Sgt. P. Moreau



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: SGT MOREAU
From: CORRECTION OFFICER M. NAGY
Subject: GRIEVANCE 79436-15
Date: 5-4-15


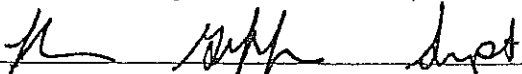
IN RESPONSE TO THIS GRIEVANCE, I DON'T RECALL
THIS INMATE OR INCIDENT, I CONDUCT MYSELF IN
A PROFESSIONAL MANNER AND DIDN'T THREATEN
THE INMATE. I DON'T OWN BLACK GLOVES AND
I DON'T DRINK WHEN I'M IN THE YARD OR AT WORK.

RESPECTFULLY SUBMITTED
CO. LUNABAY

Grievant BURNS

Number 97A6087

Cell B2-201

| | | |
|---|--|-------------------------|
|  NEW YORK STATE Corrections and Community Supervision Inmate Grievance Program | Grievance Number 79436-15 | Date Filed 4/21/2015 |
| | Title DISCRIMINATION | Code 49 |
| | Superintendent's Signature  | Date 12 3-18-15 |

Grievant alleges harassment and discriminatory language used.

According to the investigation the grievant was interviewed by Sgt. M on 5/9/15. He offered no witness to substantiate his allegations. The grievant had nothing further to add to his complaint.

The officer named in this complaint was interviewed by Sgt. M and a written statement has been obtained. Officer N states that he does not own black gloves and does not drink alcohol at work.

According to the investigation the grievant's allegations could not be substantiated.

*** Grievance is denied only to the extent noted above.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

Grievant's Signature

Date

Grievance Clerk's Signature

Date